

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-30022-SPM-2

CATHARINE A. KAHRIG, f/k/a  
CATHARINE A. VON ALMEN,

Defendant.

**MEMORANDUM AND ORDER**

**McGLYNN, District Judge:**

The Government alleges that Defendant Catharine A. Kahrig aided and abetted Kevin Kahrig to commit bankruptcy fraud and also structured currency transactions to avoid a \$10,000 financial institution reporting requirement under 31 U.S.C. § 5313. Catharine Kahrig has been charged with bankruptcy fraud (Count One, 18 U.S.C. § 157(1)), and structuring (Count Two, 31 U.S.C. § 5324(a)(3) and 18 U.S.C. § 2).

Kahrig moved to dismiss the indictment, arguing that (1) she did not meet the required elements of knowledge or intent for bankruptcy fraud, (2) she did not willfully violate the structuring statute, (3) the structuring charge was not connected to any other crime as required under the structuring statute, and (4) the facts of the case do not fit the intended purpose of the structuring statute (Doc. 58).

“Challenging an indictment is not a means of testing the strength or weakness of the government’s case, or the sufficiency of the government’s evidence.” *United States v. Moore*, 563 F.3d 583, 586 (7th Cir.2009) (internal quotation marks and citation omitted). Rather, it is a means to allege a defect in the indictment. Fed. R. Crim. P. 12(b)(3)(B).

So, in assessing an indictment's sufficiency, courts do not consider "whether any of the charges have been established by evidence or whether the government can ultimately prove its case." *United States v. White*, 610 F.3d 956, 959 (7th Cir. 2010). Kahrig's arguments amount to an attack on the sufficiency of the Government's evidence, which is a question for the jury to answer. Her arguments are not a sufficient basis to challenge an indictment and, thus, are inappropriate at this stage. Defendant Catharine A. Kahrig's Motion to Dismiss (Doc. 58) is **DENIED**.

**IT IS SO ORDERED.**

**DATED: February 22, 2022**

*s/ Stephen P. McGlynn*  
**STEPHEN P. McGLYNN**  
**U.S. District Judge**